

U.S. Department of Justice



JGM:EMN
F.#2002R02513

*United States Attorney
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March 4, 2015

By ECF and Hand

The Honorable John Gleeson
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Vodicka v. United States
Miscellaneous Docket No. 15-242 (JG)

Dear Judge Gleeson:

The government respectfully submits this letter in response to the Court's February 12, 2015 order directing the government to respond to Mr. Vodicka's motion seeking, among other things, to unseal certain documents that remain under seal in United States v. Gennady Klotsman, 02 CR 1313 (ILG) (E.D.N.Y.) (the "2002 Case"). (See also Docket Entry No. 1 (motion)).

The public docket in the 2002 Case, which is attached hereto as Exhibit A, lists 13 docket entries that appear to have an associated document. Two – docket entries 13 and 14 – are publicly available and thus not at issue. The following documents are either under seal or appear to be under seal: Docket Entry Nos. 1-8 and 10-12. The government has reviewed certain of the foregoing documents and conferred with counsel for Mr. Klotsman, and its position with regard to sealing is as follows:

- Docket Entry Nos. 2 (information), 5 (calendar entry), 6 (calendar entry), and 7 (judgment) can be unsealed, and the government so moves subject to the redaction of Mr. Klotsman's social security number on Docket Entry No. 7.

- The government is awaiting receipt of Docket Entry Nos. 1 (7(b) notice), 3 (waiver of indictment), 4 (calendar entry), 8 (notice of appeal), 10 (mandate), 11 (order), and 12 (letter), but anticipates that they should also be unsealed.¹

With respect to Mr. Vodicka's motion, dated February 26, 2015 (Docket Entry No. 7), to expand the scope of the instant motion to include what is presently captioned United States v. John Doe, 98 CR 1069 (ILG) (E.D.N.Y.) (the "1998 Case"), the government has no objection. The government had previously requested copies of the sealed documents from the docket in the 1998 Case from the Clerk of Court. It has received some of the documents and is awaiting the balance. After it is able to review the documents and confer with counsel for Mr. Klotsman, the government will provide its position with respect to the 1998 Case. In the meantime, the government moves to convert the caption in the 1998 Case to United States v. Gennady Klotsman. As a number of docket entries themselves make clear, Mr. Klotsman is John Doe. The government has conferred with counsel for Mr. Klotsman, and he has no objection to the proposed conversion.

The government will address one additional matter in a separate letter filed ex parte and under seal.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /s/
Evan M. Norris
Assistant U.S. Attorney
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cc: Clerk of Court (JG) (by ECF)
Mr. Brian Vodicka (by ECF)
Alexei Schacht, Esq. (by email)

¹ The government has been working diligently to locate these documents from various sources. At this juncture, it appears most likely that these documents will come from court archives, which is processing a request from the Clerk of Court. The government will promptly file a supplement to this letter once the additional records are located and it has a chance to review them.